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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

WESTERN WATERSHEDS PROJECT
al.,

Plaintiffs,

vs.

RANDY MOORE, in his official capacity
as Chief of the U.S. Forest Service, et al.,

Federal-Defendants.

Case No. 9:22-cv-00149-DLC-
KLD

**DECLARATION OF STEVE
KELLY**

Pursuant to 28 U. S. C. § 1746, I, Steve Kelly, declare under penalty of perjury that the following is true and correct:

1. I am a resident of Bozeman, Montana.

2. I serve as a volunteer member and founding member of the Alliance for the Wild Rockies, Inc. (“the Alliance”), a plaintiff in the above-captioned case.

Founded in 1988, the Alliance is a regional conservation organization focused on using public education, law and science to protect and restore the integrity of the ecosystems and biological connecting corridors of the Wild Rockies bioregion, including the Greater Yellowstone ecosystem and Custer-Gallatin National Forest where the East Paradise Project is located.

3. The Alliance’s programs seek to protect and restore ecosystems and sufficient habitat to recover lynx and grizzly bear populations and other rare and endangered species in the Lower-48 states and contiguous landscapes in Canada. To further the purposes of this effort, the Alliance monitors state and federal programs and projects that pose threats to wildlife habitat generally, and the recovery of lynx, whitebark pine and grizzly bears in particular. On behalf of lynx, whitebark pine and grizzly recovery, the Alliance has commented on, and administratively challenged numerous government actions over the years, and when necessary, challenged agency action(s) to federal court.

4. The Alliance submitted substantive comments and participated in the public comment period for the East Paradise Project. The Alliance expressed our concerns that the East Paradise Project may negatively impact grizzly bears and their habitat in the area.

5. I, along with other members of the Alliance, use and enjoy the Custer-Gallatin National Forest, including the East Paradise Project area, for hiking, fishing, hunting, camping, and photographing scenery and wildlife. I also engage in other vocational, scientific, spiritual, and recreational activities in this region. I personally have viewed and photographed wildlife, fished, hiked and cross-country skied in what is considered “grizzly country” since 1974, including in the East Paradise Project area. I, along with other members of the Alliance, also have an interest in grizzly bear conservation and recovery, not just in the Greater Yellowstone Ecosystem (where the East Paradise Project is located) but also in the lower 48 States. This will require connectivity between the various ecosystems and the ability of grizzly bears to move into, use, and occupy places like the Absaroka Mountains, where the East Paradise Project is located.

6. I have observed grizzly bears in and around Glacier National Park, the Bob Marshall Wilderness Area, the Gallatin Range, the Swan Range, the Mission Range and Yellowstone National Park.

7. I have used the Absaroka Mountains, including the East Paradise Project area for recreation, wildlife viewing (including for grizzly bears) and spiritual renewal on several occasions in recent years. I know the Absaroka Mountains are an important area for grizzly bear conservation in the Greater Yellowstone Ecosystem, especially given the growth and development on private lands in the adjacent Paradise Valley. I plan and firmly intend to return to the East Paradise Project area in the Absaroka Mountains again in 2026, if not sooner, and on an ongoing basis in the future, for similar backcountry/wilderness/solitude experiences.

8. The East Paradise Project and the Forest Service's failure to carefully analyze the effects of its action on grizzly bears – as alleged in this case - harms my interests in using the Absaroka Mountains and East Paradise project area and my interests in conserving grizzly bears in this area. The Project and the Forest Service's failure to properly analyze the effects of the action also threatens me, the Alliance, and its members, with imminent, concrete, and particularized injury to our esthetic, recreational, scientific, spiritual, and educational interests in important wildlife species habitat in the Custer-Gallatin National Forest, including vital grizzly bear habitat in the East Paradise Project area. Cumulative ecological impacts, including those from continued and expanded livestock grazing in this region as well as on-going private land grazing and residential development in the area, have harmed and will irreparably harm my interests in grizzly bear conservation and the effectiveness

of this important wildlife corridor, which will adversely impact grizzly bear connectivity and genetic interchange. The Forest Service, however, never took a hard look at such cumulative effects before approving the East Paradise Project as required by NEPA. If it had, the agency would probably have made a different decision and closed the six allotments to livestock grazing. If the Project proceeds as planned, the ecology of the area will be irreparably degraded to the point that these fragile landscapes and important wildlife habitats can no longer contribute to our interests in esthetic, recreational, scientific, spiritual, and educational pursuits.

9. If the Alliance is successful in this litigation, the harms to my interests will be alleviated. The National Environmental Policy Act (NEPA) requires federal agencies to take a hard look at the impacts of its proposed actions. The Forest Service's failures in abiding by the mandates of federal law in approving continued and expanded livestock grazing in the East Paradise Project area harms my interests in being fully informed, ensuring the Forest Service's decision are fully informed, and my ability to fully participate in the public process afforded by NEPA. If the agency is ordered to comply with NEPA and to take the required hard look at the impacts of the East Paradise Project on grizzly bears and their habitat, the agency may change its course of action and select an action that is more protective of grizzly bears and the important wildlife habitat the East Paradise area affords. This, in turn, will redress the harm to my interests.

Executed on this 29th day of November, 2023 in Bozeman, Montana.

A handwritten signature in blue ink, appearing to read "Steve Kelly". The signature is stylized with a large, sweeping "S" and a long, vertical stroke at the end of the last name.

STEVE KELLY